

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed May 23, 2001. At the time of the Office Action, Claims 1-12, 14-32 and 34-105 were pending in this patent Application. The Examiner rejects all claims. Applicants respectfully request reconsideration and favorable action in this case.

Interview Summary

Applicants' attorney, Mr. Kurt M. Pankratz (Reg. No. 46,977), conducted a telephonic interview with Examiner Vu on August 2, 2001. Applicants submit this summary of the telephonic interview to record Applicants' understanding of the substance of the interview. Applicants kindly request notice if this understanding is inaccurate.

Applicants thank the Examiner for the courtesy and opportunity to conduct the telephonic interview. During the interview, the Examiner and attorney for Applicants discussed the Examiner's rejection, in the Final Office Action, of Claims 1-12, 14-32, 34-90, and 94-95 under 35 U.S.C. § 112, first paragraph. In discussing this rejection, the Examiner indicated that the Specification, which details devices communicating directly with and over packet networks, fails to support amendments to the claims calling out packet-based communications between devices. The Examiner requested that Applicants submit this written response indicating support in the Application as originally filed for packet-based communications between a state-based and stateless client.

Rejections Under 35 U.S.C. § 112

The Examiner rejects Claims 1-12, 14-32, 34-90 and 94-95 under 35 U.S.C. § 112, first paragraph. As noted in the Interview Summary, the Examiner has requested an indication of the support in the specification as originally filed for the exchange of packets between state-based clients and stateless clients. Applicants respectfully submit that the Application as originally filed is rife with support for packet-based communications between system elements, including the stateless and state-based clients. In the Summary of the Invention, Applicants state: "The present invention introduces the broad concept of a controller that performs state-based signaling on behalf of a stateless client device to facilitate a communications session therewith." Page 5, lns. 16-19. In particular, the Summary identifies an embodiment in which the communications session is "a media stream

communications session between the stateless client and the state-based terminal over an Internet Protocol (IP) -based network.” Page 5, lns. 9-11.

In describing the IP-based network, the Summary states: “For the purposes of the present invention, the IP-based network shall include presently available, and present and future related networks that are derived in whole or in part from the Internet Protocol.” Page 6, lns. 14-17. The Summary continues: “While the present invention is particularly advantageous when applied to an IP-based network, the principles of the present invention are equally applicable to any non-circuit switched networks, especially packet-based networks.” Page 6, lns. 17-20.

The Detailed Description and accompanying Figures provide even greater detail with respect to packet-based networks and communications. In particular, FIGURE 2 illustrates “a schematic diagram of an embodiment of a communications network 200 constructed according to the principles of the present invention.” Page 13, lns. 4-6. “The network 200 includes external first and second state-based terminals . . . and first, second and third stateless clients.” Page 13, lns. 8-13. The Detailed Description goes on to specify potential transport protocols for the network, stating that the network 200 “may employ a transport protocol selected from the group consisting of an Internet Protocol (IP), an Internetwork Packet Exchange/Sequence Packet Exchange (IPX/SPX) and a Systems Network Architecture (SNA) or any other transport protocol that is applicable to any non-circuit switched-mode network.” Page 16, lns. 17-21.

For example, FIGURE 2 illustrates a media stream communications session (260) established between a stateless and a state-based client. This media stream communications session passes from the stateless client directly into an IP intranet (220) and then through an IP protocol gateway (215) and an external internet (210) before passing directly into a state-based terminal. Thus, FIGURE 2 and the accompanying description clearly support packet-based communications between the stateless and the state-based clients, which necessarily includes the exchange of packets between these clients.

The Claims as originally filed provide further support for packet-based communications between stateless clients and state-based clients. For example, Claim 1 as originally filed includes communications “facilitating a media stream communications session between said stateless client and said state-based terminal over an Internet Protocol (IP)-based network.” And similarly, Claim 41 as originally filed includes communications

“facilitating a media stream communications session between said stateless client and said state-based terminal over a packet network.” Thus the Application as originally filed provides unambiguous support for the exchange of packets between stateless clients and state-based clients. Therefore, Applicants respectfully request withdrawal of the Examiner’s rejection to Claims 1-12, 14-32, 34-90 and 94-95 under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 102

The Examiner rejects Claims 91, 93, 98-99, 101-102 and 104-105 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,201,804 to Kikinis (“*Kikinis*”). Applicants submit the attached Declaration establishing dates of conception prior to February 17, 1998, the effective U.S. filing date of *Kikinis*. Therefore, Applicants respectfully submit that *Kikinis* may not, alone or in combination, be used to support rejections of any of the pending Claims in the Application. Thus Applicants respectfully request the withdrawal of the rejection of Claims 91, 93, 98-99, 101-102 and 104-105.

Rejections Under 35 U.S.C. § 103

The Examiner rejects Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-47, 50-62, 65-73, 75-78 and 80-90 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,726,984 to Kubler, et al. (“*Kubler*”) in view of *Kikinis*. Applicants submit that *Kubler* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Kubler* may not be combined with *Kikinis*. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-47, 50-62, 65-73, 75-78 and 80-90.

The Examiner rejects Claims 41-46, 50-54, 56-61, 65-69, 71-73, 75-78 and 80-90 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,605,737 to Iwami, et al. (“*Iwami*”) in view of *Kikinis*. Applicants submit that *Iwami* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Iwami* may not be combined with *Kikinis*. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 41-46, 50-54, 56-61, 65-69, 71-73, 75-78 and 80-90.

The Examiner rejects Claims 10 and 30 under 35 U.S.C. § 103(a) as unpatentable over *Kubler* in view of *Kikinis*, as applied to Claim 1 above, and further in U.S.

Patent No. 5,724,355 to Bruno, et al. ("*Bruno*"). Applicants submit that neither *Kubler* nor *Bruno*, alone or in combination, disclose each and every element of any of the pending Claims. Moreover, in light of the attached Declaration, *Kubler* and *Bruno* may not be combined with *Kikinis*. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 10 and 30.

The Examiner rejects Claims 74 and 79 under 35 U.S.C. § 103(a) as unpatentable over *Kubler* in view of *Kikinis*. Applicants submit that *Kubler* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Kubler* may not be combined with *Kikinis*. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 74 and 79.

The Examiner rejects Claims 7-8, 27-28, 48-49 and 63-64 under 35 U.S.C. § 103(a) as unpatentable over *Kubler* in view of *Kikinis*, as applied to Claim 1 above, and further in U.S. Patent No. 5,732,078 to Arango ("*Arango*"). Applicants submit that neither *Kubler* nor *Arango*, alone or in combination, disclose each and every element of any of the pending Claims. Moreover, in light of the attached Declaration, *Kubler* and *Arango* may not be combined with *Kikinis*. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 7-8, 27-28, 48-49 and 63-64.

The Examiner rejects Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-40, 47, 55, 62 and 70 under 35 U.S.C. § 103(a) as unpatentable over *Iwami* in view of *Kikinis*. Applicants submit that *Iwami* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Iwami* may not be combined with *Kikinis*. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 1-6, 9, 11-12, 14-26, 29, 31-32, 34-40, 47, 55, 62 and 70.

The Examiner rejects Claims 92, 94-97, 100 and 103 under 35 U.S.C. § 103(a) as unpatentable over *Kikinis*. In light of the attached Declaration, Applicants respectfully submit that *Kikinis* may not, alone or in combination, bar the patentability of any of the pending Claims. Thus Applicants respectfully request the withdrawal of the rejection of Claims 92, 94-97, 100 and 103.

The Examiner rejects Claims 96-97 and 103 under 35 U.S.C. § 103(a) as unpatentable over *Kikinis*, as applied to Claim 91 above, and further in view of *Bruno*. Applicants submit that *Bruno* alone fails to disclose each and every element of any of the pending Claims and that, in light of the attached Declaration, *Bruno* may not be combined

with *Kikinis*. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 96-97 and 103.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fees are due, however, if it is determined that any additional fee is due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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MARKED UP VERSION OF CLAIM AMENDMENTS

For the convenience of the Examiner, all amended claims are presented below.

Applicants make no amendments to the claims.